

<b>IN RE: APPEAL OF HOLY TRINITY CHURCH OF GOD, RELATIVE TO A PROPERTY LOCATED AT 1541 MONTGOMERY STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA</b>	<b>: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2021-39 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION</b>
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**DECISION OF THE ZONING HEARING  
BOARD OF THE CITY OF READING**

**AND NOW**, this 9th day of February, 2022, a hearing having been held on January 12, 2022, upon the application of Holy Trinity Church of God, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

**FINDINGS OF FACT**

The Zoning Board finds the following facts:

1. Applicant is Holy Trinity Church of God, having a principal mailing address of 130 West Buttonwood Street, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Holy Trinity Church of God is the fee simple owner of the real property located at 1541 Montgomery Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. The Applicant was represented by Mark H. Koch, Esquire.
5. Applicant’s witness, Gregg Bogia of Bogia Engineering, was accepted as an expert in

land planning and traffic planning.

6. Applicant is requesting a special exception to allow for the construction of a place of worship with an administrative wing and a variance to allow the existing dwelling unit to remain as a second principal use.

7. Applicant is requesting relief under Zoning Ordinance Sections 600-804.B.(4), 600-902.A., 600-819.C.(1)(a), 600-819.B.(4), 600-819.E.(8) and 600-819.F.(4) (if needed).

8. The Subject Property is approximately six and five tenths (6.5) acres.

9. The Subject Property's northwestern boundary line borders land within Bern Township.

10. The Subject Property is located at the intersection of Lackawanna Street and Monroe Street.

11. To the east and south of the Subject Property are residential neighborhoods.

12. To the west of the Subject Property is the Tulpehocken Creek and walking/bike trail.

13. The Subject Property currently contains a farmhouse built in approximately 1867 and a blacksmith's shop, which Applicant desires to preserve.

14. Applicant previously submitted a Zoning Application to the Zoning Board and a hearing was held on September 16, 2020 (Appeal No. 2020-10).

15. A Decision was rendered by the Zoning Board on October 14, 2020, denying Applicant's request for relief.

16. Applicant agreed to incorporate all of the testimony from the hearing held on September 16, 2020.

17. Applicant's present request for relief provides for the reduction in the size of the proposed building and the size of the other accessory uses.

18. The size of the building has been designed to accommodate 275 people instead of 800.

19. The additional multiple purpose room and accessory chapel have been removed from the revised design.

20. Applicant has removed the secondary access point in Bern Township which was set forth in its prior application and there will now be two access points out to Lackawanna Street which is a minor street.

21. Mr. Bogia testified that it is his professional opinion Applicant meets the requirements for a special exception for a place of worship in the R-3 Zoning District pursuant to Section 600-819 of the Zoning Ordinance.

22. Applicant is requesting a variance under Section 902 of the Zoning Ordinance to permit the existing single-family residence and blacksmith shop to remain on the Subject Property.

23. Mr. Bogia testified that it is his understanding that the previous objections of Bern Township and the County of Berks have been removed.

24. Applicant states compliance with the parking requirements of the Zoning Ordinance as the plan provides for 87 parking spaces at the Subject Property.

25. Applicant requests dimensional variances from Section 600-819 to construct the place of worship on steep slopes, moderately steep slopes and very steep slopes.

26. Mr. Bogia testified that all of the areas impacted by the moderately or steep slopes are manmade or man-influenced areas.

27. Mr. Bogia testified that they are trying not to construct any structure on the manmade areas and the building will be constructed so it is consistent with the city ordinances for slopes of driveways and aisles and the building itself will be flat.

28. Mr. Bogia testified there will be compliance with all requirements of the city, county and state with respect to stormwater planning and stormwater retention.

29. Applicant provided a traffic impact assessment to the Zoning Board.

30. Mr. Bogia testified there would be no adverse traffic effect at the Subject Property.

31. Section 600-804.B.(4)(1) allows a place of worship in the R-3 Zoning District so long as it meets the provisions of Section 600-1202.N.

32. The Zoning Board finds a landscaped buffer is proposed along Montgomery Street and there are existing trees along the eastern property line that provides a buffer to the adjacent property.

33. The existing residential dwelling and blacksmith shop may remain on the Subject Property.

34. There were no objections to the proposed relief.

35. The Zoning Board finds the proposed use will not be a detriment to the health, safety and welfare of the neighborhood and will not impact on-street parking or neighboring properties.

### **DISCUSSION**

Applicant is requesting a special exception to allow a place of worship with an administrative wing and a variance to allow the existing dwelling unit to remain as a second principal use. The Zoning Board finds the proposed use is in keeping with the spirit and intent of the Zoning Ordinance and will not be detrimental to the health, safety and welfare of the neighborhood, the zoning district or the City of Reading.

### **CONCLUSIONS OF LAW**

1. Applicant is Holy Trinity Church of God.
2. The Subject Property is located in the R-3 Zoning District.
3. Applicant is requesting a special exception to allow a place of worship with an administrative wing and a variance to allow the existing dwelling unit to remain as a second principal use.
4. The Zoning Board incorporates the testimony set forth in the hearing held on September 16, 2020 (Appeal No. 2020-10).
5. The Zoning Board incorporates the findings of fact and conclusions of law as though fully set forth at length herein.
6. The Zoning Board is permitted to grant applications for variances and/or special exceptions and other relief as set forth in the Zoning Ordinance.
7. In order to grant the requested relief, Applicant must show it has satisfied the relevant

sections of the Zoning Ordinance.

8. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicant is granted the requested relief subject to the following conditions:

(1) Applicant shall submit a Preliminary Land Development Plan to the City of Reading in order to address the provisions required by the Subdivision and Land Development Ordinance and the Steep Slopes Ordinance.

(2) Applicant shall submit a Final Land Development Plan for approval by the City of Reading, which approved Plan shall be recorded with the Berks County Recorder of Deeds.

(3) The Land Development Plan shall provide emphasis on the following: neighborhood compatibility, vehicular and pedestrian site accessibility, off-street parking and loading, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping and buffer yard, solid waste disposal, exterior lighting and other supplemental requirements.

(4) A Stormwater Management Plan shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading and agencies with jurisdiction.

(5) All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.

(6) All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.

(7) All proposed signs shall be located, designed, permitted and installed in accordance with the provisions specified by the City of Reading.

(8) Applicant shall comply with all relevant building and occupancy codes

and ordinances as well as the plans and testimony submitted before the Zoning Board.

(9) Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

(10) Applicant shall confirm all new parking spaces comply with applicable dimensional requirements for off-street parking in the Zoning Ordinance;

(11) Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

**The decision of this Board is by a vote of   4   to   0  .**

**ZONING HEARING BOARD OF THE CITY  
OF READING**

/s/ Philip Rabena  
**PHILIP RABENA, CHAIRMAN**

/s/ Thomas Fox  
**THOMAS FOX**

/s/ Jeffrey Gattone  
**JEFFREY GATTONE**

/s/ William Harst  
**WILLIAM HARST**